



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Approving Proposed Sidewalk Installation Policy and Provide Direction to Staff as Needed

MEETING DATE: October 5, 2005

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution approving proposed sidewalk installation policy and provide direction to staff as needed.

BACKGROUND INFORMATION: At the March 22, 2005 Shirtsleeve Session and the August 17, 2005 City Council meeting, discussion took place with the City Council regarding the installation of new sidewalk where sidewalks do not currently exist. As a result of that discussion, which focused mainly on "gaps" in sidewalks, staff have compiled the following options and recommendations for implementation following Council discussion and direction. Sidewalk maintenance will be addressed separately.

The goals of the recommended policy are to:

- Improve the City's sidewalk system to encourage walking and improve safety by eliminating "gaps" in the sidewalk network
- Utilize opportunities provided by State law to place costs with the appropriate party
- Develop a procedure that is efficient to administer

General Plan Policy

The City's General Plan addresses sidewalk within the Circulation Element Goal D: "To provide for a safe and convenient pedestrian circulation system." The General Plan Policies that implement this goal are:

1. The City shall require sidewalks for all developments in accordance with City design standards and encourage additional pedestrian access where applicable.
2. The City shall require placement of sidewalks and walkways along Cherokee Lane and other locations where sidewalks are discontinuous.
3. The City shall consider the need for an interconnected system of pedestrian paths linking major use areas in Lodi.
4. The City shall consider the need to integrate bicycle and pedestrian ways that would support the development of local transportation hubs.

Clearly this Goal and implementation policies support efforts to have sidewalk installed, specifically on Cherokee Lane and "...other locations where sidewalks are *discontinuous*." The emphasis on "discontinuous" provides a basis for considering "gap" locations differently from entire neighborhoods, such as Kristmont Acres.

APPROVED:


Blair King, City Manager

Staff Policy Recommendation (Option A):

- Provide City grant funding for installation of new sidewalks at “gap” locations in a two-phase program. Phase 1 projects would fill in gaps with voluntary 50% City/50% owner funding. 100% funding would be provided for disabled persons meeting low-income criteria per the City utility’s SHARE program. For other low-income owners meeting the same criteria, a deferral program will be available. Staff would notify all affected property owners of the program and handle installation on a first-come, first-served basis. The main criterion would be that the “gap” must be filled. For example, if the gap consisted of three parcels, all three property owners would need to participate in order to receive the City match. The Phase 2 program would consist of the remaining parcels from Phase 1 in which property owners declined to participate and the City would systematically order installation. The cost would be 100% property owner and the low-income deferral would also apply. Staff will report back to Council after the completion of Phase 1 (six years) before implementing Phase 2.
- Adopt a standardized payment/deferral program with the following elements:
 - Waive encroachment permit fees for property owners who undertake installation work without requiring formal notice
 - Allow payments for up to one year without interest if property owner agrees to pay
 - Allow deferral until time of transfer of ownership (with interest) for low-income property owners
 - Authorize the City Manager to file liens with the County Assessor and/or Tax Collector as applicable per the above agreements

Additional Background Information and Policy Options

The Lodi Municipal Code requires sidewalk installation (along with other public improvements to meet City Standards) when the value of a building remodel exceeds the threshold amount (currently \$37,000; adjusted every July 1) and sidewalk is required as part of the public improvements in new developments.

With regard to new sidewalk installation outside of development requirements, City Council in 1999 directed staff to begin using Measure K Local Street Repair funds to install new sidewalk along Turner Road at a number of isolated locations with existing homes and to develop a policy for an ongoing program to install sidewalk where none exists. While some additional work was done under this direction, a formal policy covering the installation of new sidewalks at developed parcels was not adopted. Prior to that time, installation of new sidewalk was ordered on a case-by-case basis primarily based on public requests.

City Council was presented on March 22, 2005, with a comprehensive City-wide listing of locations of missing sidewalk and curb, gutter and sidewalk throughout the community. The total cost of constructing the missing facilities was estimated to be in excess of \$3.5 million. This included all land uses, including vacant land.

At that time, staff was directed to return with a substantially pared-down program focused upon developed residential areas.

The total of missing curb, gutter and sidewalk in developed residential areas, excluding Kristmont Acres and Peach and Willow Streets (these two streets were developed in the County without sidewalks and later annexed to the City) represents roughly \$570,000 in construction work. An annual funding level of \$50,000 per year contributing 50% would complete the small projects in approximately six years if all parcels participated. The recommended time frame of six years would allow the Council to evaluate the program and adjust the time frame or move into Phase 2.

The partial grant program is really only meaningful if there is some stated Council intent within the policy that, after the grant program in Phase 1, the City intends to require sidewalk installation at the property

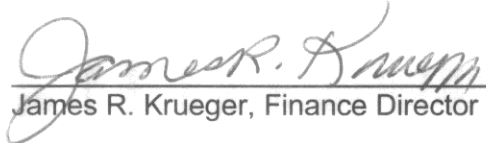
owner's expense. The recommendation that the entire "gap" be eliminated addresses concerns that public funds are being used to offset a property owner obligation. By eliminating the entire gap, the sidewalk system in the neighborhood is being completed for all to use, whereas installation at a single parcel with adjacent sidewalk missing only benefits the one parcel.

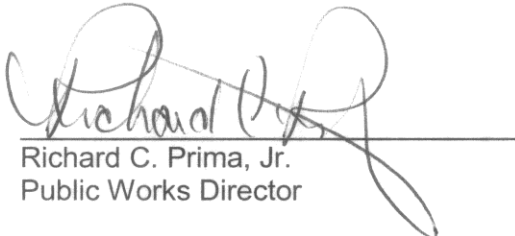
A variety of policy options are available:

- Option A – as described above – 50/50 cost share for residential parcels with the low-income and deferral provisions as described. A draft policy is attached.
- Option B – similar to Option A, except with 100% City funding and no Phase 2. This presumes that the City will not require installation but would make the grant available to willing property owners. The requirement for complete "gap closure" would still apply.
- Option C – No program. In this option, future requests would be dealt with on a case-by-case basis. This was City practice prior to 1999.

FISCAL IMPACT: Street Fund (Annual Amount) – \$50,000 in future years, as approved in the budget. No funds for this program are included in the current FY budget.

FUNDING AVAILABLE: Per budget process.


James R. Krueger, Finance Director


Richard C. Prima, Jr.
Public Works Director

RCP/pmf

Attachment

Goal C: To encourage use of transit, where feasible

Policies

1. The City shall continue to provide Dial-A-Ride services to local, transit-dependent residents.
2. The City shall provide information to local residents on transit services available for regional trips (such as Greyhound).
3. The City shall consider expanding its transit service to include limited fixed-route services if sufficient demand exists and if the cost is economically feasible.
4. The City shall cooperate with other agencies and jurisdictions to support the development of a multi-modal transportation center at the general site of the SPRR depot to accommodate future fixed route and Dial-A-Ride services if such facilities are warranted and economically feasible.
5. The City shall explore available options to bring into Lodi interurban transit utilizing existing transit service.

Goal D: To provide for a safe and convenient pedestrian circulation system

Policies

1. The City shall require sidewalks for all developments in accordance with City design standards and encourage additional pedestrian access where applicable.
2. The City shall require placement of sidewalks and walkways along Cherokee Lane and other locations where sidewalks are discontinuous.
3. The City shall consider the need for an interconnected system of pedestrian paths linking major use areas in Lodi.
4. The City shall consider the need to integrate bicycle and pedestrian ways that would support the development of local transportation hubs.

Goal E: To encourage the use of bicycles as an alternate mode of transportation

Policies

1. The City shall encourage new commercial developments to provide bicycle racks.

City of Lodi

CURB, GUTTER & SIDEWALK INSTALLATION POLICY

September 2005

Resolution xx-xx adopted by the City Council at its meeting of September 7, 2005.

I. GOALS - The goals of this policy are to:

- a) Improve the City's sidewalk system to encourage walking and improve safety by eliminating "gaps" in the sidewalk network
- b) Utilize opportunities provided by State law to place costs with the appropriate party
- c) Provide for procedures that are efficient to administer

II. SIDEWALK INSTALLATION

- a) Curb, gutter and sidewalk installation (and repair) is required with new development and with certain building permits per the Lodi Municipal Code.
- b) In other circumstances, the City will provide grant funding, as available, for new installations at residential properties which completely fill in gaps in the sidewalk system. Phase 1 of the grant program consists of 50% grant funding (100% grant for persons with full disability and low-income eligibility). This phase will extend through 2010 unless modified by the City Council. Phase 2 consists of remaining residential parcels from Phase 1 in which the owner declined to participate and other parcels and will be property-owner funded. It is the City's intent to require installation of sidewalk in Phase 2.
- c) "Residential properties" is intended, for the purpose of this policy, to mean residentially-zoned property being used for housing. However, the City Manager may authorize exceptions at "gap" locations where there exists a mixture of residential properties and non-residential uses.
- d) To receive grant funding, the property owner must agree to provide right-of-way for the new sidewalk and relocate fences and sprinklers if necessary, at no cost to the City. The City will relocate its utilities if necessary at no cost to the property owner.
- e) City staff shall report to Council near the completion of Phase 1, prior to moving into Phase 2. The report shall include the then-current locations of missing sidewalk.
- f) This program does not apply to entire subdivisions which were approved for development without sidewalks (Kristmont Acres, Peach and Willow Streets).

III. FEES, PAYMENT & DEFERRAL

- a) Encroachment permit and administrative fees will be waived for property owners who undertake installation/maintenance without formal notice. Fees are applicable to cases in which the City (or its contractor) does the work and processes formal notices.
- b) The City will advance funds for installation without interest if the property owner agrees to make payments over the course of 12 months and upon execution of a written payment agreement with the City.
- c) The City Manager is authorized to establish procedures to implement this policy and to execute payment agreements pertaining to this policy and to file liens with the County Tax Collector and/or Recorder as appropriate to secure payment.

RESOLUTION NO. 2005-____

DRAFT

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING 2005 SIDEWALK INSTALLATION POLICY;
AND FURTHER AUTHORIZING AND DIRECTING THE
CITY MANAGER TO IMPLEMENT THE PROCEDURES

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NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi
does hereby take the following actions:

- 1) Hereby approves the 2005 Sidewalk Installation Policy as attached hereto
marked Exhibit A; and
- 2) Hereby authorizes and directs the City Manager to implement the Policies
adopted herein.

Dated: October 5, 2005

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I hereby certify that Resolution No. 2005-____ was passed and adopted by the
City Council of the City of Lodi in a regular meeting held October 5, 2005, by the
following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2005-____

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